IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 9803 of 2005

Between:

T. Ramanjinpa S/o.Jangamapp, F.P.Shop Dealer
R/o.Kollimalli Shop.No.1 Village, Somandepalli Mandal
Ananthapur dist.

..... PETITIONER

A N D

1 The Joint Collector (Civil Supplies)
Ananthapur Dist
2 Revenue Divisional Officer
Penukonda Ananthapur Dist.
3 Mandal Revenue Officer
Somande palli Ananthapur Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus issued by the 2nd respondent i.e., R.C.No.358/2005e, Dt.14-3-2005 and consequently, proceedings issued by the 1st respondent in R.C.No.369/2004, Dt.1-04-2005 is arbitrary, illegal and violation of A.P Distribution System (control) order 2001 and consequently direct the respondents to restore the authorization of petitioners, F.P. Shop dealer of Kolimpalli Village, Somandapalli Mandal, Ananthapur District.

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following: (order follows 2nd page)

O R D E R :

This writ petition is filed questioning the inaction of the second respondent in issuing the show cause notice dated 14-3-2005 in RC.No.358/2005-E suspending the authorization of fair price shop no.1 of Kolimipalli village of Somandepalli Mandal and also the consequential proceedings dated 01-4-2005 passed in RC.No.369/2004 by the first respondent as arbitrary, illegal and violation of A.P. Distribution System (Control) Order 2001 and consequently to direct the respondents to restore his authorization of fair price shop of Kolimipalli village of Somandepalli Revenue Mandal of Anantapur district.

The petitioner submits that he was appointed as Fair Price Shop Dealer on temporary basis. The Mandal Revenue Officer, Somandepalli submitted a report to the Revenue Divisional Officer, Penukonda, on 25-2-2005 in RC.No.50/2005-B stating that the fair price shop dealer of Kolimipalli village is not distributing the essential commodities to the cardholders and committed certain irregularities in distribution of essential commodities. On the basis of the said report, a show cause notice dated 03-2-2005 in RC.No.358/2005-E was issued to the petitioner. Pursuant to the said show cause notice, the petitioner submitted his explanation but the Revenue Divisional Officer, Penukonda without considering the explanation of the petitioner issued Proceedings RC.No.358/2005 dated 14-3-2005, pending enquiry into the iregularities suspended his authorization on the ground that the petitioner

firstly failed to distribute the essential commodities with less weighments i.e., 1 Kg less PDS rice to every cardholder; secondly, the fair price shop dealer is selling sugar and K.Oil at higher rates than the rates fixed by the Government; thirdly, the fair price shop dealer is distributing essential commodities only five days and causing much inconvenience to the cardholders and not observing the fair price shop timings; fourthly, the fair price shop dealer is distributing FFW Rice and ISL Rice with less weighments from 2 to 5 Kgs to the beneficiaries and collectedRs.5/- for FFW from the beneficiaries for each bag; fifthly, the fair price shop dealer is giving less ½ Kg of fre coupon rice to the cardholders; sixthly, the fair price shop dealer is not distributing K.Oil regularly to the cardholders; seventhly, the fair price shop dealer is collecting extra amount of Rs.4/- from each cardholders during the month of February by saving transportation charges; eighthly, the fair price shop dealer has not maintained fair price shop accounts properly and failed to maintain the sales and stock registers for the essential commodities issued and that apart he has contravened clause 17 of the APSPDS (Control) Order, 2001. Further the Revenue Divisional Officer, Penukonda framed the above charges for contravening the above provision of law. Assailing the orders passed by the Revenue Divisional Officer, Penukonda, the petitioner filed an appeal before the Joint Collector, Anantapur and the same was admitted without granting any stay or suspension of the impugned proceedings, which are now under challenge.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Civil Supplies.

Without going into the merits or otherwise, this court sitting under Article 226 of the

Constitution of India deems fit and appropriate to direct the first respondent to consider and dispose of the appeal filed by the petitioner against the suspension orders of Revenue Divisional Officer, Penukonda in RC.No.358/2005-E, dated 14-3-2005 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

APRIL27th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The Joint Collector (Civil Supplies)
Ananthapur Dist
2 The Revenue Divisional Officer
Penukonda Ananthapur Dist.
3 The Mandal Revenue Officer
Somande palli Ananthapur Dist.

4 One CC to Govt.Pleader for Civil Supplies, High Court

Buildings, High Court of AP Hyderabad (OUT).

5 One CC to Mr.J.Sreenivasulu, Advocate for the petitioner,

Advocates' Association, High Court of AP Hyderabad.

5 Two CD Copies.